

Message Text

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ACTION NEA-12

INFO OCT-01 ISO-00 OMB-01 AID-20 SR-02 ORM-03 IO-14

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 2198

INFO AMCONSUL KARACHI

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AMEMBASSY KABUL

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E.O. 11652: N/A

TAGS: PINT, PFOR, PK, AF

SUBJ: GOP ASSUMES NEW LEGAL AUTHORITY TO CURTAIL SUBVERSIVE
ACTIVITIES

SUMMARY: GOP HAS PROMULGATED ORDINANCE WHICH ESTABLISHES
VERY BROAD CRITERIA FOR SUBVERSIVE ACTIVITY BY POLITICAL
OR OTHER GROUPS AND SPELLS OUT PENALTIES FOR PARTICI-
PATION IN "SUBVERSIVE" MOVEMENTS. MEASURE CLEARLY
DIRECTED AGAINST NATIONAL AWAMI PARTY (NAP) BUT MANY
OTHER POLITICAL/PRESSURE GROUPS COULD BE TAGGED AS
SUBVERSIVE UNDER ITS PROVISIONS. WHETHER
MEASURE IS PRELUDE TO FINAL CRACKDOWN BY GOP ON WALI
KHAN AND NAP IS UNCLEAR. NAP WILL, IN ANY EVENT, BE
RESTRICTED FURTHER. PROBABLE THAT GOP ALSO INTENDS MEASURE AS
SIGNAL TO AFGHANISTAN THAT AFGHAN-SPONSORED SUBVERSION IN
PAKISTAN WILL NOT BE TOLERATED. END SUMMARY.

1. THREE WEEKS AFTER PROMULGATION OF ORDINANCE PRO-
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VIDING PRISON TERMS FOR PERSONS ORGANIZING OR PARTICI-

PATING IN PRIVATE ARMIES, GOP HAS PROMULGATED ANOTHER ORDINANCE TIGHTENING INTERNAL SECURITY PROCEDURES. ORDINANCE, EFFECTIVE NOVEMBER 23, ESTABLISHES PROCEDURES FOR DETERMINING WHETHER PARTICULAR ASSOCIATIONS ARE SUBVERSIVE AND PROVIDES PENALTIES FOR MEMBERSHIP IN ANY SUCH ASSOCIATION.

2. GOP DEFINITION OF SUBVERSIVE ASSOCIATION (DESCRIBED AS "ANTI-NATIONAL ASSOCIATION") IS ONE (A) WHICH IS INTENDED TO SUPPORT OR SUPPORTS ANY CLAIM TO BRING ABOUT SECESSION OF PART OF TERRITORY OF PAKISTAN; (B) WHICH QUESTIONS SOVEREIGNTY AND TERRITORIAL INTEGRITY OF PAKISTAN; (C) WHICH ENCOURAGES PUBLIC OR INDIVIDUALS TO CREATE GROUPS BASED ON RACIAL, LINGUISTIC OR SIMILAR IDEOLOGIES FOR PROMOTING SECTARIAN OR PAROCHIAL INTERESTS; OR (D) WHICH ADVOCATES CONCEPT THAT PAKISTAN IS POPULATED BY MORE THAN ONE NATIONALITY.

3. ORDINANCE ALSO PROVIDES FOR POLICE CONTROL OVER PLACES WHICH WERE USED FOR ANTI-NATIONAL PURPOSES. TWO-YEAR JAIL TERMS PLUS FINES CAN BE IMPOSED ON MEMBERS AND SUPPORTERS OF ANTI-NATIONAL ASSOCIATIONS AND THREE-YEAR JAIL TERMS FOR TREASURERS OF SUCH GROUPS WHO CONDUCT FINANCIAL TRANSACTIONS AFTER AN ORGANIZATION IS DECLARED ANTI-NATIONAL. "ANTI-NATIONAL ACTIVITIES PREVENTION TRIBUNAL" IS CREATED, CONSISTING OF JUDGE APPOINTED BY GOP WHOSE DUTY WILL BE TO ENDORSE OR REJECT GOP RULING THAT ASSOCIATION IS ANTI-NATIONAL.

4. COMMENT: BEFORE PROMULGATION THIS ORDINANCE, GOP ALREADY HAD EXTENSIVE ANTI-SUBVERSIVE POWERS SUCH AS RIGHT OF PREVENTIVE DETENTION UNDER STATE OF EMERGENCY, EXTENDED FOR SIX MONTHS IN SEPTEMBER, AND VARIOUS EXISTING LAWS. LIKE PRIVATE ARMIES ORDINANCE, THIS NEW ORDINANCE APPEARS DIRECTED PRIMARILY AT NAP. REFERENCE TO CONCEPT OF ADHERENCE TO MORE THAN ONE NATIONALITY IS CLEARLY POINTED AT NAP, WHICH SUPPORTS CONCEPT OF FOUR NATIONALITIES (AS WELL AS SOME REFUGEES IN SIND WHO PROPOUND FIVE NATIONALITIES WITH NATIVE URDU SPEAKERS LISTED ALONGSIDE SINDHIS, PUNJABIS, PATHANS AND BALUCH). NAP BALUCHISTAN LIMITED OFFICIAL USE

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AND TO LESSER DEGREE NAP FRONTIER WOULD APPEAR AT PRESENT TO QUALIFY AS ANTI-NATIONAL ASSOCIATIONS UNDER TERMS OF ORDINANCE. HOWEVER, DEFINITION OF WHAT CONSTITUTES ANTI-NATIONAL ASSOCIATION SO BROAD AS TO INCLUDE LABOR UNIONS AND OTHER CLASS PRESSURE GROUPS, REGIONAL POLITICAL MOVEMENTS LIKE G.M. SAEED'S JIYE SIND AND URDU-SPEAKING REFUGEE PRESSURE GROUPS IN SIND, AND RELIGIOUS POLITICAL GROUPS. WOULD APPEAR THAT ALMOST

ANY ORGANIZATION COULD BE TAGGES AS SUBVERSIVE BY GOP
SHOULD IT SO DESIRE.

5. BHUTTO HAS NOT TAKE DRASTIC STEP OF BANNING ANY
POLITICAL PARTY, BUT HAS UTILIZED VARIETY OF OTHER
TACTICS TO CURTAIL EFFECTIVENESS OF HIS POLITICAL
OPPONENTS. NEW ORDINANCE PROVIDES HIM MEANS TO BAN
POLITICAL PARTY IN MANNER AND ON GROUNDS WHICH WILL BE
DIFFICULT TO CRITICIZE. FEW PAK POLITICIANS WILL WANT
TO OPPOSE PUBLICLY GOVERNMENT WHICH SUPPRESSES "SUB-
VERSIVE" POLITICAL GROUP.

6. ALTHOUGH ORDINANCE CLEARLY IS OUTGROWTH OF PAST
YEAR'S SKIRMISHING BETWEEN GOP AND NAP, THIS DOES NOT
NECESSARILY MEAN THAT IT WILL BE APPLIED SOON TO NAP
OR OTHER GROUPS. IT COULD MERELY BE A NEW AND MORE
STERN WARNING TO WALI KHAN AND DEVICE TO CURTAIL
FURTHER NAP'S ALREADY ENFEEBLED POLITICAL PARTY
OPERATIONS.

7. ASIDE FROM NAP, ORDINANCE MAY ALSO BE INTENDED AS
ANOTHER SIGNAL TO KABUL GOVERNMENT THAT AFGHAN FISHING
EXPEDITIONS IN PAK TERRITORY WILL NOT BE CONDONED.
BYROADE

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